

ALABAMA WORKFORCE INVESTMENT SYSTEM
Department of Commerce
401 Adams Avenue
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Montgomery, Alabama 36130-4103

Dec. 12, 2022

GOVERNOR'S WORKFORCE INNOVATION DIRECTIVE NO. PY2022-05

SUBJECT: Rapid Response Activities Policy

1. Purpose. To provide the State's Workforce Development Division with a written policy regarding its Rapid Response activities

2. Discussion. Under the Workforce Innovation and Opportunity Act (WIOA), the State may reserve up to 25 percent of the WIOA Title I Dislocated Worker allocation to carry out activities related to Rapid Response, including layoff aversion. The reserve ensures that the State has funds to pay for services in response to dislocation events around the State to assist dislocated workers.

Rapid Response is the provision of services designed to assist workers affected by a mass layoff, permanent site closure, natural or other disasters, or Trade Adjustment Assistance petition filing. Recipients of services through a Rapid Response event are not required to be enrolled in WIOA. Alabama's Rapid Response Unit is located within the Alabama Department of Commerce's Workforce Development Division. The purpose of this program is to promote economic recovery and vitality by developing ongoing, comprehensive approaches to identifying, planning for, or responding to layoffs and dislocations, and preventing or minimizing their impacts on workers, businesses, and communities.

3. Action. The Worker Adjustment and Retraining Notification Act (WARN), Public Law 100-379, protects workers, their families, and communities by requiring employers with 100 or more employees to provide at least 60 calendar days advance written notice of a plant closing and mass layoff affecting 50 or more employees at a single site of employment. WARN makes certain exceptions to the requirements when layoffs occur due to unforeseeable business circumstances, faltering companies, and natural disasters.

Advance notice gives workers and their families some transition time to adjust to the prospective loss of employment, to seek and obtain other jobs, and if necessary, to enter skill training or retraining that will allow these workers to compete successfully in the job market. Employees entitled to notice under WARN include hourly and salaried workers, including managers and supervisors. WARN requires that notice also be given to employees' representatives, the Chief Local Elected Official (CLEO), and the State Dislocated Worker Unit.

The Workforce Development Division's Rapid Response Unit serves as the State's Dislocated Worker Unit for Alabama. The DWU can assist employers and

employees by implementing the state's Rapid Response System, designed to provide information quickly that will alleviate some of the anxieties and problems caused by a workforce reduction. In addition, the Alabama Career Center System can provide a variety of dislocated worker and specialized training services that will enable separated employees to take advantage of the many resources available through WIOA to assist them with their re-employment.

Worker Adjustment and Retraining Notification (WARN) Notices of plant closings and layoffs should be sent to:

**Alabama Department of Commerce
Rapid Response Unit
PO Box 304103
Montgomery, AL 36130-4103**

Specific requirements of the Worker Adjustment and Retraining Notification Act may be found in the Act. The U. S. Department of Labor published Final Regulations in the Federal Register (Vol. 54 No.75) on April 20, 1989. The regulations appear in 20 CFR Part 639. The U.S. Department of Labor also provides a guide to WARN Act Compliance Assistance on its website at: <https://www.doleta.gov/layoff/warn.cfm>.

Once a WARN Notice is received, the Rapid Response Unit will contact the issuing employer within 24 hours. The contact will include learning about the employer's layoff plans and schedule; assessing the background and probable assistance needs of the affected workers; gaining an understanding of the re-employment prospects for workers; and ascertaining the availability of resources to meet the short and long-term needs of the affected workers. A current list of WARN Notifications can be found at: <https://www.madeinalabama.com/warn-list/>

The State Rapid Response Unit will then coordinate a date and time to go on-site to the company that has issued the WARN Notice and meet with company representatives and the affected employees. Employees are informed of Rapid Response events through their employer or by mail, email, social media, or local advertisements. The Rapid Response Unit will work with the employer to identify appropriate meeting times and venues to meet with the employees. A Rapid Response meeting can take place in a variety of methods. When possible, group meetings should be scheduled prior to the closure or layoff and held at the worksite. However, when the worksite is not an option, meetings also can be held at a local Career Center, community centers, or in other meeting rooms conveniently located near the impacted employees.

Required Rapid Response partners include Workforce Innovation and Opportunity Act (WIOA) Title I, Wagner Peyser Title III, and Trade Adjustment Assistance (TAA). Additional partners that will be contacted and invited to attend a Rapid Response event include but are not limited to:

- Alabama Department of Commerce
- Alabama Workforce Council
- Alabama Department of Labor
- Alabama State Department of Education
- Alabama Community College System
- AFL-CIO Union Representatives
- Alabama Industrial Development Training (AIDT)
- Regional Workforce Council
- Alabama Career Center System
- Alabama Technology Network (ATN)
- United States Department of Labor (USDOL)
- Local Businesses (participating in job fairs)
- Local Workforce Development Area Staff

At Rapid Response meetings workers will be provided a packet with a number of resources and information sheets. Every item in the packet is reviewed during the meeting. Workforce and community partners will be gathered to share how their programs may assist the impacted employees. If an employee is not able to attend a scheduled meeting, packets of information are given to the employer to distribute or mail to workers. Employees are encouraged to meet with a Career Center representative individually to review the information. A list of resources is also available on the Workforce Development Division website for employers and employees at: <https://wioa-alabama.org/rapid-response/>

Those who attend a Rapid Response meeting will be provided with valuable information regarding Unemployment Insurance, training/services available through local Career Centers, and additional services available from other workforce partner agencies. Information to be provided to workers will include:

- Information on local career training programs
- Information and support filing for unemployment insurance claims
- Information about the Trade Adjustment Assistance (TAA) program and support for filing petitions for TAA Certifications
- Information on the impacts of layoff on health coverage and/or other benefits
- Informational and direct re-employment services for workers including information and support for filing Reemployment Assistance (RA) benefits
- Information and access to One-Stop system services including career services, employment and training services, information on the WIOA Title I Dislocated Worker program, Pell Grants, GI Bill, and other resources
- Information on the delivery of other necessary services and resources including workshops, supportive services, classes, and job fairs to support re-employment efforts for the affected workers

If an on-site meeting is not feasible, the process may be completed virtually, but a meeting in the affected community is strongly preferred. When a Rapid Response event is completed virtually, emails will be sent out to the affected workers with the time, date, and instructions for joining the meeting. If email is not available, individuals will be notified by mail and through social media.

The Rapid Response Unit will maintain partnerships with other appropriate Federal, State, and local agencies and officials, employer associations, industry business councils, labor organizations, and other public and private organizations, to help workers through the dislocation period and regain employment. The Unit will also continue the delivery of services to working groups for which a petition for Trade Adjustment Assistance (TAA) has been filed.

Layoff aversion, according to 20 CFR § 682.320, consists of strategies and activities that prevent or minimize the duration of unemployment resulting from layoffs and closures. The State's layoff aversion efforts promote intervention to avoid or reduce these extreme measures by local employers. Layoff aversion strategies and activities aimed at preventing or minimize layoffs and closures include:

- Providing assistance to employers in managing reductions in force, which may include early identification of firms at risk of layoff, assessment of the needs of and options for at-risk firms, and the delivery of services to address those needs
- Ongoing engagement, partnership, and relationship-building activities with businesses in the community, in order to create an environment for successful layoff aversion efforts and to enable the provision of assistance to dislocated workers in obtaining new employment as soon as possible
- Establishing linkages with economic development entities, including local business retention and expansion activities
- Connecting businesses and workers to short-term, on-the-job, or customized training programs and apprenticeships before or after layoff to help facilitate employment

The Rapid Response Unit maintains regular contact with State and local economic developers, Regional Workforce Councils, Local Workforce Development Areas, State WIOA Workforce Board, Alabama Workforce Council, Local Workforce Boards, Chambers of Commerce, and employers statewide in order to facilitate early identification of employers at risk of layoff and/or closure. The Rapid Response Unit engages all of these entities regularly through meetings and presentations that explain the various services that the State can offer employers and employees through WIOA. Other partner services are also promoted that can increase market share, resolve supply chain and logistical issues, upskill a current labor force to increase productivity, and create new industry partnerships in order to prevent companies from impending layoffs and closures. WIOA training

programs such as On-The-Job-Training (OJT), Individual Training Accounts (ITAs), and Incumbent Worker Training can provide employers with vital services and financial advantages that may address a company's current needs and avert a layoff or closure.

Before instituting a mass layoff companies are asked to consider whether other options are available such as a hiring freeze, salary rollbacks, employee furloughs or voluntary attrition programs. When economic downturns do occur, employers must be careful when identifying and selecting employees for layoffs, given the myriad legal issues that may arise following a mass termination. A suggestion that terminated employees would be recalled or reinstated upon a change in economic circumstances is recommended by the Rapid Response Unit during the company's rehiring process.

In the case of a Natural Disaster such as a tornado, flood, earthquake, drought, hurricane, or similar events caused by nature, the Rapid Response Unit will coordinate with its partners to help the affected communities during the short-term impacts of a disaster. Coordination will also include state and local emergency management teams and the Federal Emergency Management Agency. Career Center staff from the Alabama Department of Labor will go onsite to help those impacted with accessing unemployment or disaster unemployment and connecting people with other state and local organizations using their Mobile Career Center vehicle.

Requests for copies of WARN Notices will only be granted to citizens that reside in the State of Alabama, per the Alabama Open Records Act §36-12-40, Code of Alabama (1975). To request a copy of a WARN Notice that has been filed with the Rapid Response Unit, contact Erika McKay, General Counsel, Alabama Department of Commerce at: erika.mckay@commerce.alabama.gov

4. **Contact** Questions regarding Alabama's Rapid Response Activities Policy should be directed to Danny Cheek, Workforce Development Division at: (334) 353-5163 or daniel.cheek@commerce.alabama.gov.

Tammy Wilkinson

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Workforce Development Division**